

### **DETAILED ACTION**

This office action is in response to the applicant's amendment and RCE dated 3/24/2009 and 4/14/2009.

The applicant has cancelled claims 1-22 and 25-26.

Claims 23-24 and 27-28 are pending.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2009 and 4/14/2009 has been entered.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jorge Tony Villabon on 4/30/2009.

The application has been amended as follows:

23. (Currently Amended) A method for playing back a recorded data stream from a storage medium, wherein the data stream has been recorded in data blocks, the method comprising the steps of:

- reading payload blocks until a defect payload block is detected;
- upon detection of the defect payload block, jumping back to a replacement block and recovering the defect payload block by reading the replacement block;
- skipping the already read payload blocks; and
- continuing the reading of not yet read payload blocks;

wherein the replacement block is read and buffered and further payload blocks are read until the defect payload block is detected.

24. (Currently Amended) The method of claim 23, wherein the read payload blocks are buffered and wherein a defect payload block is skipped and the following payload blocks and a parity block are read and buffered and wherein the defect payload block is reconstructed by using the buffered blocks and the parity block.

27. (Currently Amended) The method of claim 23, wherein the payload blocks are clusters for a Blu-ray Rewritable Disc.

28. (Currently Amended) An apparatus equipped to perform the method of claim 23, comprising:

- reading means for reading the payload blocks and~~[-a]~~ the replacement block for ~~[-a]~~ the defect payload block, wherein the replacement block is read and buffered and further payload blocks are read until the defect payload block is detected ;
- recovery means for recovering the defect payload block by using the read and buffered replacement block;
- skipping means for skipping the already read payload blocks; and
- control means for causing the reading of not yet read payload blocks to be continued.

### ***Response to Amendment***

3. In view of the examiner's amendment above, and the applicant's cancelling of claims 1-22 and 25-26, and the applicant's amendments to claims 23-24 and 27-28, all rejections presented in the prior office action dated 10/8/2008 are withdrawn.

### ***Allowable Subject Matter***

4. Claims 23-24 and 27-28 are allowed. The following is an examiner's statement of reasons for allowance: Reasons for allowance that were presented in the prior office

Art Unit: 2117

action dated 10/8/2008 are still applicable to the independent claim 23. Hence, claims 23-24 and 27-28 are allowed and are renumbered as claims 1-4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN P. TRIMMINGS whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2117

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/John P Trimmings/  
Primary Examiner,  
Art Unit 2117

jpt